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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,206	07/24/2003	Naomitsu Tsugiiwa	3005-49	9676

7590 11/03/2006

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EXAMINER
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RENDON, CHRISTIAN E

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/626,206	TSUGIWA, NAOMITSU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christian E. Rendón	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6-16-2004</u>   | 6) <input type="checkbox"/> Other: _____                          |

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Language Selection Option During a Game Session."

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "Game Software" is defined in the specification as a program and any data contingent to the program, which "may" be stored in memory (Tsugitwa, pg 1, par 2, line 2). More importantly, "Game Software" is defined in claim 1, par 3 as "being a program through which a computer functions" and no mention of the "Game Software" being stored in a tangible readable media, like a game cartridge; therefore the claims are ineligible for patenting, since software is not within one of the four enumerated categories under 35 USC 101.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamada (GB 2257000A). Yamada discloses an apparatus that "displays characters in a selected language

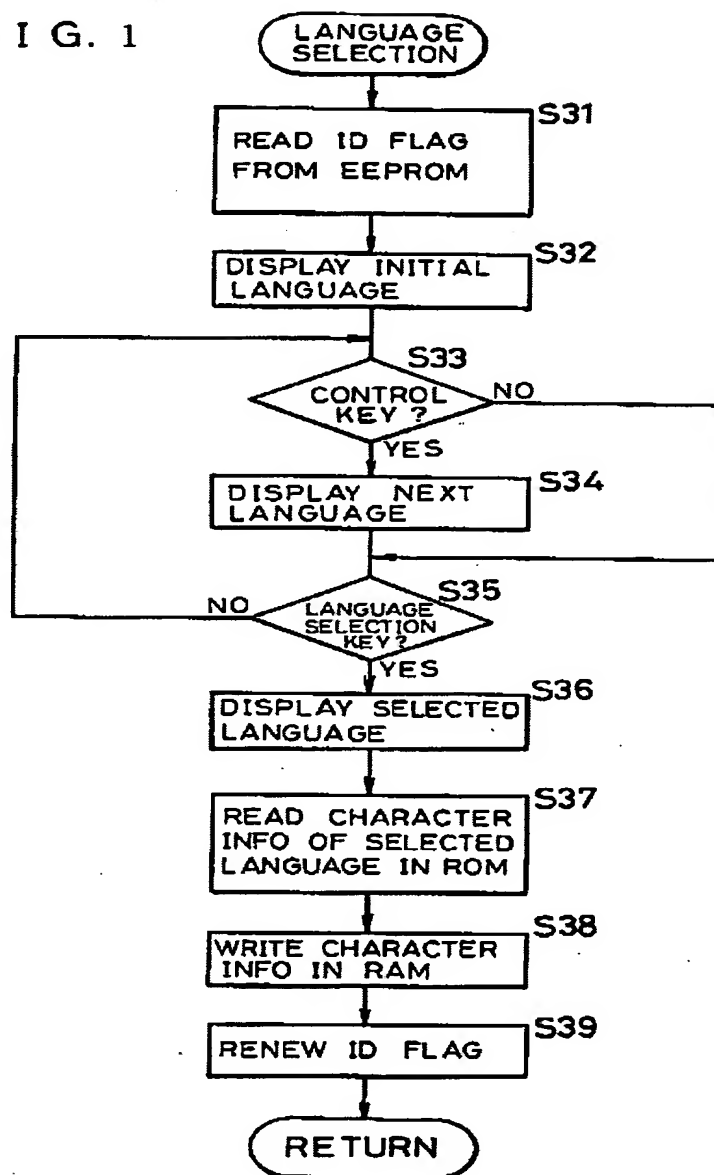
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superimposed on a television display” (Abstract, line 1). The “selection of a language” is made from an “on-screen character display” that has “a plurality of languages” to choose from (pg 2, par 3, line 2). The language selection menu is displayed when the user presses the “language select key” (pg 8, par 2, line 3). Once the key is pressed the names of all the available languages are displayed in a list (pg 9, par 3, line 4) and the “identification flag is read from the EEPROM” (pg 9, par 3, line 3) to identify the current language that is in use (pg 8, par 1, line 1) and to prepare for a possible ‘change of programming state’. If a new selection is made the “character information corresponding to the language selected” is read from the ROM (pg 10, par 2, line 4) and then “written into the RAM” (pg 10, par 2, line 5). “A new identification flag is set in the EEPROM” (pg 10, par 2, line 6), signifying a new ‘programming state’ and the characters on the display are converted into the new language producing a new image. Providing a “single system of hardware” that allows for a “ready selection of a language” permits the user to initiate the process all over again at any given time (pg 3, par 1, line 6). Referring to claims 1, 4 and 5, it is noted that Yamada implies “having a text file for storing text data” when his invention retrieves language data from a ROM and writes the data to RAM. Referring to claims 1-4, it is noted that a game image and an image on a television screen are forms of entertainment images; therefore the applicant’s invention falls into the scope of Yamada’s patent. Referring to claim 3, Yamada lists the names of available languages while the applicant chooses to use a list of icons to distinguish the languages from one another. Both icons and the letters of an alphabet can be considered as symbols; therefore the applicant’s claim falls into the scope of Yamada’s patent. Referring to claims 1 and 5, a means for “detecting a state of provisional selection” is clearly stated by

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Yamada's 'language selection check' flowchart, diamond S35 and its two possible paths of 'YES or NO' (Figure 1).

F I G. 1



Referring to claim 4, the applicant's patent reminds the user of the current language by creating a language selection menu that does not obscure the full game image and allows the user to view in the background some text in the current language. Yamada implies that his patent can compute and determine the position of the language selection menu but does not disclose the size of the

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selection menu. The current display language is indicated by a flashing cursor (pg 10, par 1, line 2), which accomplishes the same function of keeping the user informed of the current language state as the non full sized menu; therefore the applicant's claim falls under the scope of Yamada's patent.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Menez (US 2002/0083453 a1) discloses a system for selecting the language of on-screen displays received on a digital receiver (pg 1, par 3, line 13). Reyes (US 5,982,448) discloses multi-language closed captioning system for a television with the ability to select a language through the designated language buttons placed on top of the unit (column 4, line 20). Markle (US 5,739,869) discloses an apparatus and method for displaying a live or recorded visual performance and a translation in the language of the viewer's choice (column 2, line 36), information that is pertinent to the performance (column 3, line 54) or the musical score (column 3, line 47).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 8 - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón  
Examiner  
Art Unit 3714

CER

  
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TC3700